



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JN
F. #2017R01809

*271 Cadman Plaza East
Brooklyn, New York 11201*

January 18, 2018

By ECF

The Honorable Raymond J. Dearie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: SEC v. Maksim Zaslavskiy et. al.
Civil Docket No. 17-5725 (RJD)

Dear Judge Dearie:

The government writes this letter motion to request that the Court consider its reply memorandum of law in support of an application to intervene and stay civil proceedings in the above-captioned case. By way of background, the government filed its initial motion to intervene and stay the above-captioned case on December 19, 2017. Defense counsel filed their partial Opposition to the motion on January 2, 2018. The government then filed its reply on January 17, 2018.

Local Civil Rule 6.1(b) of the United States District Courts for the Southern and Eastern Districts of New York provides in relevant part:

On all civil motions, petitions, and applications, other than those described in Rule 6.1(a), and other than petitions for writs of habeas corpus, (1) the notice of motion, supporting affidavits, and memoranda of law shall be served by the moving party on all other parties that have appeared in the action, (2) any opposing affidavits and answering memoranda shall be served within fourteen days after service of the moving papers, and (3) **any reply affidavits and memoranda of law shall be served within seven days after service of the answering papers.**

(emphasis added). The rule also provides that a Judge's Individual Practice or "direction in a particular case" can amend the requirements. Local Civil Rule 6.1.

In this case, the undersigned reached out to Your Honor's Deputy after receiving the defendant's Opposition and sought clarity regarding when the government's reply was due. Your Honor's Deputy permitted the government to file the reply by Wednesday, January 17, 2018, which the government did. Defense counsel asked that the government formally submit a request to Your Honor in writing to file a late reply pursuant to Local Civil Rule 6.1(b). Defense counsel informed the government that the government's request is unopposed as long as the government filed a motion requesting leave to file an out of time reply and a proposed order for the Court's approval. The government therefore submits this letter motion and the attached proposed Order to request that the court consider its reply memorandum of law and permit the government to file a reply memorandum in support of its motion.

Please let me know if you have any questions.

Respectfully submitted,

RICHARD P. DONOGHUE
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